

*Ms. Keating*  
*To note and file.*  
*B.S. Murray*  
*22/9*  
*Public Meetings*  
*607/95*  
*TC/152/9*

FROM: J MCGIMPSEY  
Security Policy & Operations Division 1  
21 September 1995

- cc Mr Bell - B
- Mr Watkins - B
- Mr Williams - B
- Mrs Brown - B
- Mr Maccabe - B
- Mr Perry - B
- Mr Bramley - B
- Mr Canavan - B
- Mr Stephens - B
- Mr Pope - B

*21.9*  
*Ms. Keating*  
*I have returned a copy*  
*B.S. Murray*  
*22/9*

Mr Steele - B -

**MEETING ON PARADES 14 SEPTEMBER**

Please see attached note of the meeting of 14 September on parades.

2. Thank you to those who suggested amendments.

(Signed)

J MCGIMPSEY

LW/SPOB1/7893

DRAFT

NOTE FOR THE RECORD

MEETING ON PARADES - 14 SEPTEMBER 1995

Introduction

This note records the main points of discussion and the conclusions of a meeting held at Stormont House on 14 September to consider future approaches to the issue of parades.

Present

2. Those present were:

Mr Steele  
Mr Bell  
Mr Watkins  
Mr Williams  
Mrs Brown  
Mr Maccabe  
Mr Perry  
Mr Bramley  
Mr Canavan  
Mr Sterling  
Mr Pope

Ms McGimpsey took the note.

Discussion

3. Opening the meeting, Mr Steele reviewed the handling of parades in 1995. Of the 2,974 parades so far this year, the vast majority 2326 had been loyalist. 262 had been Nationalist in character while 386 were other - Boys Brigade; Trades Union etc. Only 9 parades had resulted in disorder and of these, 5 had taken place on the Ormeau



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Road. The vast majority of parades did not cause difficulties nor did they require a significant RUC presence to prevent disorder.

4. However, the 1995 'marching season' had increased polarisation of the communities - the Nationalist perception was that the RUC would force Loyalist parades through Nationalist areas irrespective of the sensitivities or the views of that community, while Loyalists believed that re-routings were politically inspired, engineered by approaches from Dublin and intended to appease Nationalists. More widely, many were under the impression that large-scale public disorder had returned to Northern Ireland.

5. The situation had resulted from a number of factors: the increased involvement of Sinn Fein; the desire of Loyalists to regain what was seen as lost ground; the apparent (though explicable) inconsistencies in the intervals before parades at which the RUC took decisions on re-routing; and the undercurrent of continuing sectarian differences which the ceasefire had revealed had all played a part. Events during 1995 had brought the RUC's role in the parade decision-making process into much sharper focus than in earlier years, when good police work had resulted in the gradual elimination of phase-points.

6. Mr Steele also rehearsed the legal basis (the Public Order (Northern Ireland) Order 1987 and its various sections) on which the RUC took decisions and noted the powers available to the Secretary of State to act unilaterally - powers which differed somewhat from those available to the Home Secretary under similar legislation in GB. The exercise of those powers had begun to be questioned during the year. Two attempts had been made, through the threat of judicial review, to force the Secretary of State to use his powers to ban marches. At the same time the Irish had become increasingly critical of the apparent failure of the RUC to use Section 4 - 'disruption to the life of the community' - as the basis for re-routing potentially contentious marches in Nationalist areas. Ministers, too, had shown some unease about the issue, while the RUC

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had begun to float a possible option (judicially based) for removing themselves from the decision-making process.

7. Summing up, Mr Steele noted that, although the number of contentious parades was small, their impact had been out of all proportion. Officials were to consider options and advise Ministers. A number of options suggested themselves:

- (a) a political initiative which would encourage the two communities and their leaders to consider and develop solutions - this appeared to be in line with the Secretary of State's thinking;
- (b) amendments to the implementation of the Public Order Order;
- (c) development of the concept of an independent tribunal to reach decisions on routing; and
- (d) steps to strengthen and/or formalise the role of mediation groups.

There were advantages and disadvantages to each - the last two, especially would require amendments to legislation. None escaped the reality that any decision, no matter how arrived at, would continue to have to be enforced by the RUC. Mr Steele invited comments.

8. Offering a SPOB analysis, Mr Perry noted that considerable progress had been made by the RUC in recent years in handling parades - there had been expectations that this trend would continue. Ironically, the fact of the ceasefires appeared to have contributed to a heightening of sectarian tensions as exhibited in eg attacks on Orange Halls and on Catholic church property. There were some small signs of encouragement - some parade organisers had voluntarily re-routed and the use of mediation groups had introduced a positive dimension.

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9. The primary options were as set out by Mr Steele. There was a danger of increased politicisation if the Secretary of State were to become directly involved. Many of the issues were not new - they had been considered before the introduction of the 1987 Order.

10. There was discussion on a point raised by Mr Bell who queried the interpretation of the term "disruption to the life of the community" in the Order. Noting that the intentions of those who had drafted the provision would be worth investigating, Mr Steele said that the RUC tended to interpret it on the basis of the potential disruptive effect of public disorder flowing from any decision. The Irish (and Nationalists) tended to take the view that the march itself and the security measures needed to get it through an area constituted the 'disruption'. It could be argued (and would be by Unionists) that the disruption - certainly so far as the smaller parades were concerned - lay with the opposition to it. Interpreted literally, the provision could be applied to ban the Twelfth parades given the disruption to traffic and commercial life that accompanied them.

11. On a further point raised by Mr Bell on banning of marches, it was noted that, although banning had been sought and given in earlier years, there had been no approaches from the Chief Constable for some time. The major concern about the unilateral use of the Secretary of State's powers was that such use could be seen as a political expression of a lack of confidence in the Chief Constable's ability and as a usurpation of his operational independence.

12. Offering a PAB perspective, Mr Maccabe agreed that the overall problem should be kept in its proper perspective in terms of the number of incidents of disorder which flowed from parades. That said, personal experience suggested that the disorder following the release of Private Clegg and the disorder associated with parades such as those in Portadown, Londonderry and on the Ormeau Road had contributed to an international perception that Northern Ireland had slid back into wide scale street disorder. He, too, agreed that

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Sinn Fein had been active in orchestrating opposition to parades (and hence confrontations) with the RUC primarily in an attempt to portray the force in a bad light. Much good work could be done in the area of mediation although it had to be borne in mind that this was not necessarily a panacea - there was some scepticism on the part of individual mediation groups about the commitment and the effectiveness of others in the field. One potentially encouraging development had been the publication by the Orange Order of the booklet "The Order on Parades" which set out the Orange Order's version of events in 1995 (especially in relation to Drumcree) and offered some thoughts on a way forward. The Orange Order itself was clearly concerned by perceptions of it resulting from the difficulties with some parades and it offered a possible way forward which might be acceptable to all parties. Mr Maccabe undertook to pass the booklet to interested colleagues for analysis.

13. Mr Sterling agreed that despite the best efforts of the RUC the past "marching season" had damaged the reputation of the police but pointed out that handling parades generally had other significant impacts on the RUC. In financial terms the cost of policing parades is considerable. For example, the average daily hours overtime worked in July and August was 12,500 and 11,800 respectively compared with a normal monthly average of around 10,000 hours (exact costs of policing parades are not available). The commitment required to police parades also has implications for the policing style and ethos of the RUC and might even have consequences for the future size of the Force. Mr Sterling acknowledged that the parades issue was not simply a policing problem but suggested that, viewed as such, more could possibly be done to train police officers in mediation and negotiation skills and to develop links with local communities. He also suggested that it might be useful to survey public opinion on the issue (using PPRU's monthly Omnibus survey) during the winter months when attitudes were likely to be less volatile.

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14. Mr Watkins agreed that the situation was delicate and involved. It was not his intention to criticise the RUC for their handling of the situation since he recognised that they had a very difficult role to fulfil and generally discharged it very well. It was unfortunate, though, that the good work of earlier years had been undone to an extent by recent events.

15. Worryingly, the differences between the two communities had become underlined and had the capability to inhibit or hinder political developments. Sinn Fein had largely succeeded in the aim of their involvement which was to cast doubt on the even-handedness of the RUC. There was a number of options for a way forward, including discussions with political parties, based on a paper (falling short of a green paper) or perhaps involving the Community Relations Council or the development of a Code of Practice involving mediation groups. Mr Canavan noted that the drafting and interpretation of the Order was unfortunate. It tended to suggest that the threat of disorder was a primary influence on the RUC decision - thus, the greater the disorder that could be threatened by one side, the more chance they had of a decision in their favour. Mr Williams noted that the Irish were becoming increasingly agitated by the issue and had indicated that they intended to raise it at the next IGC. Their position was that the issue was too important to be left to the RUC alone. Neither, from their perspective, was it a purely operational issue - there was a requirement for a political input and for greater consideration to be paid to the question of disruption of the community. While it would be possible to hold the line with the Irish by explaining that the whole question was under review, any conclusion which fell short of their expectations or of Nationalist aspirations would lead to serious criticism of HMG. The Irish would raise the issue at the October IGC.

16. There followed a general discussion. The possible role of a tribunal was considered and it was noted that the mere existence of such a body might generate more opposition to so far non-controversial parades, more re-routing and more difficulty for the RUC. Mr Perry noted that any way forward ought not to omit the

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politicians since the cause of the difficulty was not necessarily the Public Order Order or the RUC's interpretation of it but the existence of deep-seated community divisions which the parades issue only served to emphasise. Mr Bell stressed the need to look at the use of the Public Order Order against the wider background of the peace process since its interpretation could impact on this.

17. Summing up, Mr Steele noted that the discussion had emphasised the range of issues involved. He had expected to suggest that a working group might review the issue and come to conclusions. On reflection, though, the broad issues and options for action might best first be set out for Ministers. This submission would consider whether the issue was to be seen primarily as an issue of public order or of wider community and political relations. Depending on the view Ministers took of this question they could then be invited to commission further advice or put further work in hand. This was agreed and Mr Pope was tasked to circulate a draft on the lines which had emerged during discussion.

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